

ENTERED

March 28, 2022

Nathan Ochsner, Clerk

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
LAREDO DIVISION****JUAN MANUEL HERNANDEZ,****Petitioner,****VS.****DAVID CASTILLO, et al.,****Respondents.**§
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§**CIVIL ACTION NO. 5:21-CV-00083****ORDER**

Pending is the Magistrate Judge's Report and Recommendation (Dkt. 13) recommending that Plaintiff Juan Manuel Hernandez's civil rights complaint (Dkt. 1) be dismissed with prejudice. The parties have been duly noticed regarding the filing of objections, and the applicable 14-day timeframe for the filing of objections has now lapsed. Noting that no objections have been filed, and having now reviewed the matter as provided by 28 U.S.C. § 636, the Court concludes that the Report and Recommendation should be and is hereby ACCEPTED. Therefore, this case is DISMISSED WITH PREJUDICE and this dismissal shall count as a "strike" for purposes of 28 U.S.C. § 1915(g).

Because the Court finds that Plaintiff makes no substantial showing of the denial of a constitutional right, a certificate of appealability will not issue. *See* 28 U.S.C. § 2253(c)(2). The Court certifies that any appeal from this decision would not be taken in good faith and therefore should not be taken *in forma pauperis*. *See* 28 U.S.C. § 1915(a)(3); Fed. R. App. P. 24(a)(3).

The Clerk of Court is DIRECTED to mail Plaintiff a copy of this Order by any receipted means at the address indicated in his most recent filing. The Clerk is further DIRECTED to TERMINATE this case.

IT IS SO ORDERED.

SIGNED this March 28, 2022.

A handwritten signature in black ink, appearing to read 'D Saldaña', written over a horizontal line.

Diana Saldaña
United States District Judge